

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY DOCKERY,)
)
Plaintiff,) Civil Action No. 09-732
)
v.) Judge McVerry
) Magistrate Judge Bissoon
JEFFREY BEARD, *et al.*,)
)
Defendants.)

MEMORANDUM ORDER

Plaintiff Timothy Dockery's complaint, which alleges violations of the Civil Rights Act of 1871, 42 U.S.C. § 1983, was filed on June 8, 2009. This case was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge issued two Reports and Recommendations that are relevant to this order. The first Report (Doc. 99), filed on August 20, 2010, recommended that Defendant Myers's Motion to Dismiss (Doc. 51), be granted in part and denied in part. The second Report (Doc. 100), which was also filed on August 20, 2010, recommended that the Partial Motion to Dismiss filed by various Pennsylvania Department of Corrections ("DOC") Defendants (Doc. 55) be granted in part and denied in part. Copies of these Reports and Recommendations were served on Plaintiff by First Class United States Mail at his address of record. The parties were allowed until September 3, 2010, to file objections. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Reports and Recommendations, the following ORDER is entered:

AND NOW, this 24th day of September, 2010,

IT IS HEREBY ORDERED that the Defendant Meyers's Motion to Dismiss (Doc. 51) is GRANTED in part and DENIED in part. The Report and Recommendation of Magistrate Judge Bissoon (Doc. 99), dated August 20, 2010, is adopted as the opinion of the court with respect to this motion.

IT IS FURTHER ORDERED that DOC Defendants' Partial Motion to Dismiss (Doc. 55) is GRANTED with respect to Defendants Sobina, Kennedy, Coleman, Cross, Nunez, Tretinek, Beard, House and Neal. Plaintiff's Complaint (Doc. 5) is DISMISSED with respect to these Defendants.

IT IS FURTHER ORDERED that DOC Defendants' Partial Motion to Dismiss (Doc. 55) is GRANTED with respect to Defendant Williams. Plaintiff's Complaint (Doc. 5) is DISMISSED WITHOUT PREJUDICE with respect to this Defendant.

IT IS FURTHER ORDERED that DOC Defendants' Partial Motion to Dismiss (Doc. 55) is DENIED with respect to Defendants Burns and Popovich. Finally, the Report and Recommendation of Magistrate Judge Bissoon (Doc. 100), dated August 20, 2010, is adopted as the opinion of the court with respect to this motion.

s/Terrence F. McVerry
Terrence F. McVerry
United States District Judge

cc:

TIMOTHY DOCKERY
BK-8487
SCI Frackville
1111 Altamont Blvd.
Frackville, PA 17931